

Application No. 10/750,836
Response to Office Action of May 14, 2008

Patent
Attorney Docket No. 86196-36

II. REMARKS

A. Summary of Amendments

Claims 1 to 14 have been withdrawn from the present application without prejudice or disclaimer. The Applicant reserves the right to pursue protection for these claims in one or more divisional applications to be filed at a later date.

Claims 15 to 40 are currently pending.

Claims 16 and 33 have been amended in order to better define the subject matter being claimed.

The present patent application now comprises twenty-six (26) claims. It is believed that no new matter has been added to the present application.

B. Reply to the Drawing Objection

In the Office Action, the Examiner has objected to the drawings of record because the Examiner believes that there is no descriptive label or nothing to represent/provide for a specific method shown in claim 1 (a redirecting step).

In response, the Applicant respectfully submits that Claim 1 has been withdrawn from the present application. Accordingly, it is believed that there is no need to have a descriptive label to represent the method of this withdrawn claim.

The Applicant respectfully submits that the drawings currently contained within the present application are sufficient to facilitate the understanding of the subject matter sought to be patented, and therefore are in compliance with section §1.81 of the patent rules, therefore rendering the objection to the drawings moot. Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

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C. Reply to the Claim Rejection under 35 USC §112

In the Office Action, the Examiner has rejected claim 10 under 35 USC § 112, because there is allegedly no limitation and the claimed language only asserts a use of method claim 1.

In response, the Applicant respectfully submits that claim 10 has been withdrawn from the present application, thus rendering the Examiner's rejection to this claim moot.

Claims 16 and 33 have been amended so as to better comply with 35 USC § 112. More specifically, these claims are now directed towards a rail vehicle, and not an intended use of a system. Reconsideration and withdrawal of the rejection to claims 16 and 33 is respectfully requested.

D. Reply to the Election/Restriction requirement

In the Office Action, the Examiner has indicated that restriction to one of the following inventions is required under 35 USC §121:

I – Claims 1-14 directed to a method comprising steps for controlling speeds of a turbine engine

II – Claims 15-40 directed to a physical system/product for controlling speeds of a turbine engine.

In response, Applicants hereby elect the claims of Group II (claims 15-40) for prosecution in the subject application, with traverse.

The traversal is on the grounds that the Examiner has failed to establish that a search of the complete application would be an undue burden as required by MPEP 803. MPEP 803 states: "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." It is Applicants' position that the Examiner

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has failed to establish that a search of the entire application constitutes an undue burden. Therefore, it is respectfully requested that the entire application be searched and examined.

In accordance with this election with traverse, the Applicants reserve all rights to the non-elected claims, including the right to file one or more divisional applications covering the subject matter thereof.

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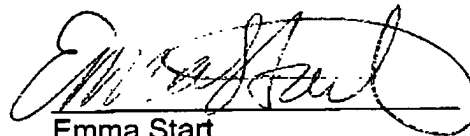
III. CONCLUSION

In view of the above, reconsideration of the Examiner's rejections and allowance of pending claims 15 to 40 are earnestly solicited. Applicant looks forward to receiving the Notice of Allowance.

The Examiner is invited to call the Applicant's undersigned representative if any further amendment will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the present response. If the claims of the application are not believed to be in full condition for allowance, for any reason, Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

Dated: October 7, 2008



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